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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/075,150

02/14/2002

Harri Pekonen

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7590

11/18/2004

DICENTRAL CORPORATION
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EXAMINER

PHILPOTT, JUSTIN M

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/075,150

Applicant(s)

PEKONEN, HARRI

Examiner

Justin M Philpott

Art Unit

2665

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____


Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

10. ☐ Other: _____


ALPUS H. HSU
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because:

Applicant's arguments are not persuasive.

Specifically, applicant argues (page 11, first paragraph to page 12, first paragraph) that Veschi does not disclose "a time-slice parameter specifying a relationship between the current packet of the current burst of packets and a subsequent burst of packets" as recited in applicant's claim 1. However, as discussed in the previous office action, and repeated herein, Veschi teaches time-slice information (e.g., position identifier 370) that includes a time-slice parameter specifying a relationship between the current packet of the current burst of packets (e.g., audio video sample 380, one of samples 1-5 in FIG. 5) and a subsequent burst of packets that contains a second portion of the buffered content (e.g., one of other samples, see col. 13, lines 42-44 and col. 14, lines 9-19). Thus, applicant's argument is not persuasive.

Further, applicant recognizes that "the position identifier of a current packet indicates a receiving buffer position for the packet's audio/video data sample such that the current packet's data sample becomes synchronized in the receiving buffer relative to the buffer position of an immediately preceding packet's audio/video data sample" (page 12, first full paragraph). While it appears applicant has attempted to relate Veschi's position identifier to a packet sequence number, Veschi teaches to the contrary, stating "the position identifier 370 is fundamentally different from a packet sequence number" (col. 14, lines 18-19). Specifically, Veschi uses the position identifier to relate a current sample 380 with a plurality of other samples (e.g., see Table 1 in col. 14). Such a feature of Veschi, thus, teaches the above-mentioned limitation of applicant's claim 1, wherein the position identifier clearly specifies a relationship between the current packet of the current burst and a subsequent burst of packets. Thus, applicant's argument is not persuasive.

Further, applicant argues that Veschi fails to teach an advantage of applicant's invention which "allows a digital-video-broadcast receiver to enter a power-saving mode for a duration" (page 13, first paragraph). However, claim 1 is absent of any recitation of a power-saving mode duration. Thus, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "allow[ing] a digital-video-broadcast receiver to enter a power-saving mode for a duration") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Thus, applicant's argument is moot.

Finally, applicant argues that additional claims should be allowable for the same reasons discussed above regarding claim 1. However, as discussed above, Veschi anticipates claim 1 and thus, claim 1 is not allowable. Accordingly, applicant's argument that claims should be allowable in view of the limitations recited in claim 1 is not persuasive.